

From: [Knaub, Deborah J NWS](#)
To: [Pongkhamsing, Chan](#)
Subject: RE: EPA permit for Shaw Creek
Date: Tuesday, February 02, 2016 3:33:15 PM

Hi. I think that Mr Seaman thought that there were 404 issues, however, I found that if there were they were minor and not work that we would pursue.

I also believe that he discusses another proposal by the City of Yakima in his e mail. That is a project that the City has not yet submitted an application for that does have 404 work. The proposed work is to reroute Shaw and Wide Hollow Creeks in Yakima.

Debbie

Deborah J. Knaub, Biologist
U.S. Army Corps of Engineers
Regulatory Branch
(206) 258-1371

-----Original Message-----

From: Pongkhamsing, Chan [<mailto:Pongkhamsing.Chan@epa.gov>]
Sent: Tuesday, February 02, 2016 2:29 PM
To: Knaub, Deborah J NWS <Deborah.J.Knaub@usace.army.mil>
Subject: [EXTERNAL] RE: EPA permit for Shaw Creek

Thank you Debbie. Just wanted to make sure there are no alleged violation 404 implications at this site. If not, I will be forwarding Mr. Seaman's inquiry to my CWA 402 stormwater construction program.

Respectfully,

Chan Pongkhamsing
CWA 404 Enforcement Coordinator
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Mail Stop ETPA-202-2
Seattle, Washington 98101-3140
(206) 553-1806

-----Original Message-----

From: Knaub, Deborah J NWS [<mailto:Deborah.J.Knaub@usace.army.mil>]
Sent: Tuesday, February 02, 2016 2:04 PM
To: Pongkhamsing, Chan <Pongkhamsing.Chan@epa.gov>
Subject: RE: EPA permit for Shaw Creek

Hello Chan: I am familiar with the Shaw Creek proposal and I believe I have been to the additional site he refers to. What can I assist with?

Debbie

Deborah J. Knaub, Biologist
U.S. Army Corps of Engineers

Regulatory Branch
(206) 258-1371

-----Original Message-----

From: Pongkhamsing, Chan [<mailto:Pongkhamsing.Chan@epa.gov>]
Sent: Tuesday, February 02, 2016 12:12 PM
To: Knaub, Deborah J NWS <Deborah.J.Knaub@usace.army.mil>
Subject: [EXTERNAL] FW: EPA permit for Shaw Creek

Hi Debbie,
Jess Jordan informed me that you might know about this inquiry? Please see email trail below.

Respectfully,

Chan Pongkhamsing
CWA 404 Enforcement Coordinator
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Mail Stop ETPA-202-2
Seattle, Washington 98101-3140
(206) 553-1806

-----Original Message-----

From: Pongkhamsing, Chan [<mailto:Pongkhamsing.Chan@epa.gov>]
Sent: Monday, February 01, 2016 4:04 PM
To: Reed, Catherine D. (ECY) <CRAJ461@ECY.WA.GOV>; Jordan, Dale J (Jess) NWS <Dale.J.Jordan@usace.army.mil>
Cc: Rave-Perkins, Krista <Rave-Perkins.Krista@epa.gov>
Subject: [EXTERNAL] FW: EPA permit for Shaw Creek

Hi Catherine and Jess,
Please see Mr. Seaman's email below... apparently, he's pursuing a citizen's lawsuit on this issue. I'm not aware of any "Low Erosivity Waiver Certification" here at the EPA. Before I contact my colleagues other programs like TMDL, Water Quality, NEPA, and/or even CWA 402.. do you know about this requirement or have any updates since we last discussed this complaint a year ago? Attached is our latest communication on the matter. Based on Cathy's findings, I believe we all decided not to pursue further investigations.

Respectfully,

Chan Pongkhamsing
CWA 404 Enforcement Coordinator
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Mail Stop ETPA-202-2
Seattle, Washington 98101-3140
(206) 553-1806

-----Original Message-----

From: MATTHEW SEAMAN [<mailto:matthew142@msn.com>]
Sent: Thursday, January 28, 2016 7:09 PM
To: Pongkhamsing, Chan <Pongkhamsing.Chan@epa.gov>
Subject: EPA permit for Shaw Creek

To: Chan Pongkhamsing
From: Matthew Seaman (matthew142@msn.com)

Date: January 27, 2016

Hello. We spoke on the phone several months ago about Clean Water Act violations along Shaw Creek in the West Valley of Yakima.

Perhaps you could help with a related matter. Who would be the individual at the EPA involved with a "Low Erosivity Waiver Certification"?

Project proponents for the "Shaw Creek Flood Mitigation Project" indicate that they will be requiring a "Low Erosivity Waiver Certification - EPA"

. Issuance of this waiver will facilitate a scheme to avoid enforcement of the federal CWA. For this reason, it is important that hard evidence, testimony, photographs and diagrams regarding the flood project be sent to the correct individual at the EPA.

Please let me know if you have some information that can help me with this EPA permitting issue.

We previously discussed the Shaw Creek environmental crimes; I now have a great deal of evidence affirming violations of the federal Clean Water Act by the developer (Bainter). These are: relocation of Shaw Creek into a man-made ditch without issuance of a COE 404 Fill & Dredge permit; filling of wetlands; filling of the Shaw Creek watercourse; dewatering of Shaw Creek; destruction of a delineated wetland; submission of multiple falsified JARPs in association with CWA violations; participation in a scheme for enrichment following CWA violations; participation in a scheme to avoid enforcement of the federal CWA; and participation in a scheme for fraudulent conveyance following CWA violations. Needless to say, it required a great deal of time and effort to obtain the evidence and proceed towards a Citizen's Lawsuit. In very short order, the NOI will be delivered which will start the 60-day clock for the issuance of the lawsuit. As a result of this litigation, I fully expect that restoration of Shaw Creek, restoration of wetlands, and restoration of other critical areas will occur at the site.